

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO CREATE THE “NORTHWEST SENIORS/VILLAGE AT PROCTOR CREEK HOUSING URBAN ENTERPRIZE ZONE”, LOCATED AT 1315 NORTHWEST DRIVE, DISTRICT 17, CITY OF ATLANTA, LAND LOT 258, PARCELS 17 02580002026, 17 02580002027, 17 0258 LL112, 17 02580002036, 17 0258 LL111, 17 0258 LL110, AND 17 02580003015; TO PROVIDE NOTIFICATION TO AFFECTED GOVERNMENTAL ENTITIES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to state law, the City of Atlanta has authority to designate property or properties meeting certain thresholds as Urban Enterprise Zones (UEZ); and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS, the designation of a housing urban enterprise zone exempts, in whole or in part for a period of ten (10) years, the taxable value of property within the zone only from ad valorem taxes for City purposes; and

WHEREAS, in the case of new construction the designation of a housing urban enterprise zone exempts the real property from ad valorem taxes for one-hundred percent (100 %) of its taxable value for the first five years after creation; eighty percent (80%) for the next two years; sixty percent (60 %) for the next year; forty percent (40 %) for the next year; and twenty percent (20%) for the last year; and

WHEREAS, in order to designate an areas as an urban enterprise zones, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, Village at Proctor Creek, L.P. has applied for the creation of a residential urban enterprise zone encompassing 28.364 acres to be known as “The Northwest Seniors/Village at Proctor Creek Housing UEZ” (“the project”); and

WHEREAS, the project proposes the development of two-hundred sixty (260) newly constructed rental apartment units with two-hundred and twenty two (222) or eighty-five percent (85 %) of the units designated for independent seniors ages 55 and over who earn less than sixty (60%) of the area median income (AMI); and

WHEREAS, thirty-eight (38) units will be designated “special needs” units that will served the senior homeless and disabled population; and

WHEREAS, creation of the Northwest Seniors/Village at Proctor Creek Housing UEZ for the purpose of facilitating the construction of the affordable senior housing, particularly those with “special needs” is consistent with the Housing Element of the Atlanta Strategic Action Plan (ASAP), the City’s 2007-2032 Comprehensive Development Plan; and

WHEREAS, the project will be located at 1315 Northwest Drive, Atlanta, GA 30318, which property is zoned RG-2-C which permits the construction of multi-family residential; and

WHEREAS, the Commissioner of the Department of Planning and Community Development has certified, as shown on Exhibit “B” to this ordinance, that he has received a complete application from the applicant for the creation of the enterprise zone in accordance with City Code; and

WHEREAS, the Bureau of Planning has reviewed the application and determined that the conditions and qualifications of the Atlanta/Fulton County Urban Enterprises Zone Act, as amended, have been met relative to the creation of the proposed “Northwest Village Seniors/Village at Proctor Creek Housing UEZ”; and

WHEREAS, the City held a public hearing on the question of creating the “Northwest Village Seniors/Village at Proctor Creek Housing UEZ” at the June 9, 2008 Community Development/Human Resource Committee’s quarterly public hearing; and

WHEREAS, upon review of the application and based upon the public hearing, it is found that the area in and around the property that would be designated as the “Northwest Seniors/Village at Proctor Creek Housing UEZ” is economically and socially depressed; contributes to or causes unemployment, creates an inordinate demand for public services and, in general, has a deleterious effect on the public health, safety, welfare, and morals; that the area is characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society; that this lack of private investment and activity contributes to social and economic depression in the area.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

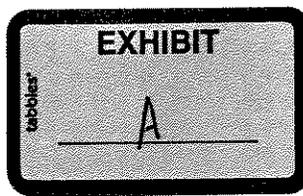
SECTION 1: That the “Northwest Seniors/Village at Proctor Creek Housing Urban Enterprise Zone” is hereby created, to consist of Parcels 17 02580002026, 17 02580002027, 17 0258 LL112, 17 02580002036, 17 0258 LL111, 17 0258 LL110, and 17 02580003015, said property being more fully described at Exhibit “A”, attached hereto, and made a part hereof.

SECTION 2: That the real property at District 17, land lot 258, and commonly known as 1315 Northwest Drive and consisting of tax parcel id #'s: 17 02580002026, 17 02580002027, 17 0258 LL112, 17 02580002036, 17 0258 LL111, 17 0258 LL110, and 17 02580003015, are hereby exempted from city ad valorem taxes, said property being more fully described at Exhibit "A", attached hereto, and made a part hereof.

SECTION 3: That in accordance with law, the term of the "Northwest Seniors/Village at Proctor Creek Housing UEZ shall be for ten years (10) beginning on January 1, 2009 and ending on December 31, 2018. The "Northwest Seniors/Village at Proctor Creek Housing UEZ" shall otherwise not be abolished except as provided in State law.

SECTION 4: The Municipal Clerk is hereby directed to transmit a certified copy of this Ordinance within 30 days of passage to the Fulton County Tax Commissioner, the Fulton County Board of Assessors, the Georgia Department of Community Affairs and the Superintendent of the Atlanta Board of Education.

SECTION 5: that the Bureau of Planning and the Office of the Municipal Clerk are hereby directed to maintain on file a copy of this Ordinance, including all related maps, legal descriptions, application information, etc.



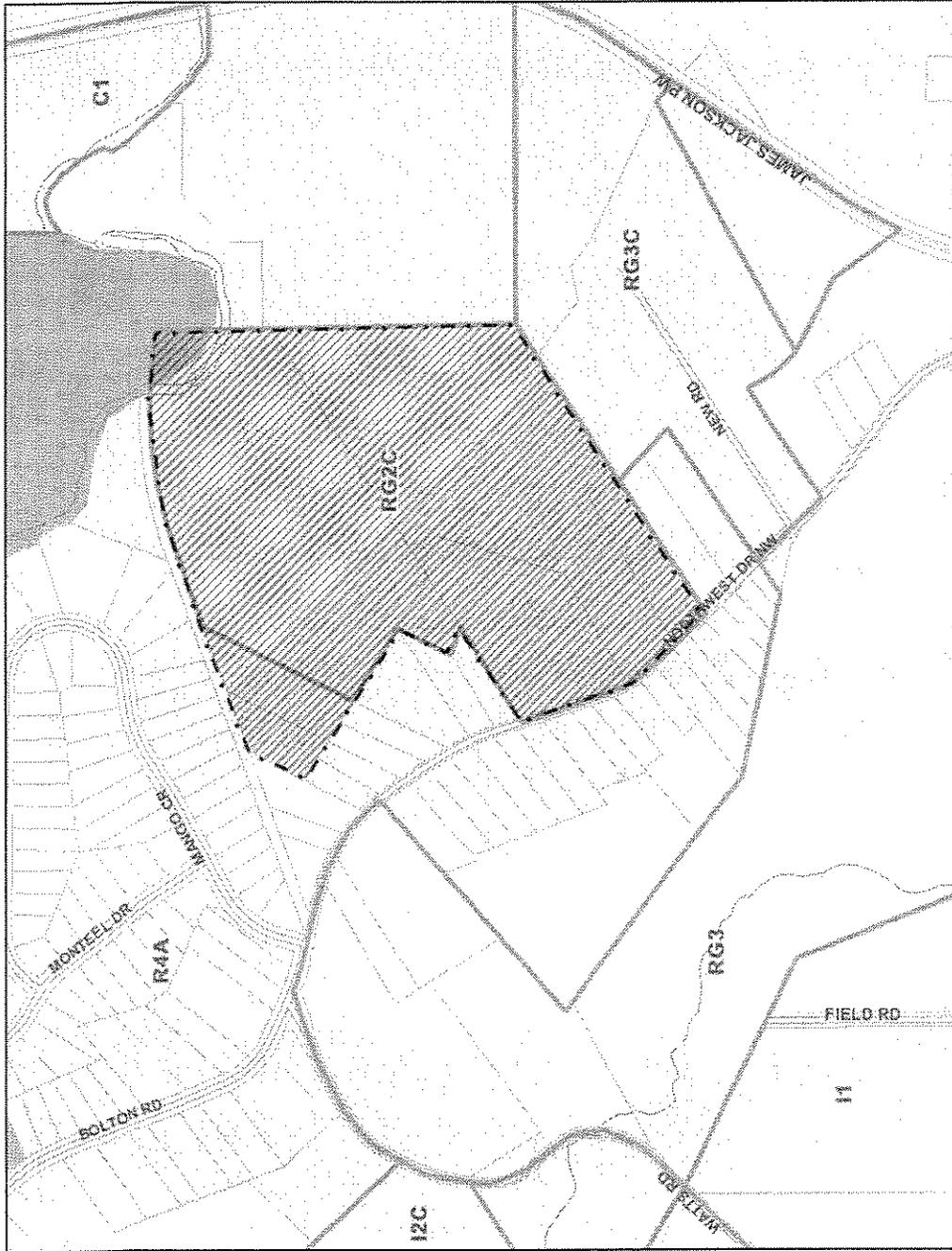
LEGAL DESCRIPTION OVERALL

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 258 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, Commence at the intersection of the South Line of Land Lot 258 and the Easterly right of way line of Northwest Drive (Apparent 40' right of way), thence along said right of way line 1127.00 to an iron pin found, said point being the TRUE POINT OF BEGINNING, thence continuing along said right of way line the following courses and distances: North 44 degrees 31 minutes 48 seconds West a distance of 120.00 feet to a point; thence North 44 degrees 28 minutes 31 seconds West a distance of 126.56 feet to a point; thence North 42 degrees 26 minutes 17 seconds West a distance of 91.72 feet to a point; thence 111.36 feet along an arc of a curve to the right, said curve having a radius of 324.20 feet and a chord bearing and distance of North 32 degrees 17 minutes 34 seconds West 110.82 feet to a point; thence continuing along said right of way line 23.47 feet along an arc of a curve to the right, said curve having a radius of 324.20 feet and a chord bearing and distance of North 20 degrees 06 minutes 48 seconds West 26.46 feet to a point; thence North 17 degrees 35 minutes 16 seconds West a distance of 312.14 feet to a point; thence leaving said right of way line North 58 degrees 35 minutes 30 seconds East a distance of 280.31 feet to an iron pin found (1" Open Top Pipe); thence North 70 degrees 21 minutes 32 seconds West a distance of 84.96 feet to an iron pin found (1" Open Top Pipe); thence North 18 degrees 15 minutes 50 seconds East a distance of 148.08 feet to an iron pin found; thence North 61 degrees 05 minutes 29 seconds West a distance of 214.84 feet to a point; thence North 25 degrees 25 minutes 56 seconds East a distance of 420.06 feet to a point; thence North 70 degrees 22 minutes 11 seconds East a distance of 434.90 feet to an iron pin found (1" Open Top Pipe); thence South 83 degrees 59 minutes 30 seconds East a distance of 470.80 feet to an iron pin set; thence South 00 degrees 15 minutes 05 seconds East a distance of 247.30 feet to an iron pin found; thence South 00 degrees 46 minutes 54 seconds West a distance of 656.79 feet to a 2" open top pipe found; thence South 45 degrees 50 minutes 43 seconds West a distance of 115.86 feet to a 1" open top pipe found; thence South 45 degrees 44 minutes 06 seconds West a distance of 380.56 feet to a 2" crimp top pipe found; thence South 46 degrees 24 minutes 24 seconds West a distance of 439.38 feet to a iron pin found and the TRUE POINT OF BEGINNING.

Said tract containing 28.364 acres.

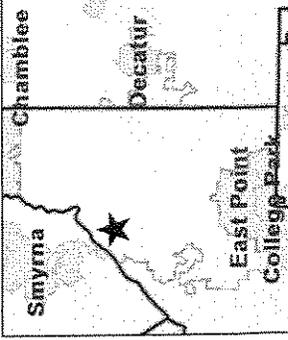
NW Senior Housing



0 160 320 480 m.

Map center: 2201428, 1379637

Scale: 1:5,592



Legend

- Zoning Districts
- Streets and Highways
- Other Limited Access
- State Route
- Arterial Roads
- Streets
- Ramps
- Unknown
- Interstates
- County Boundaries
- Parcels
- Streams
- Parks
- Greenway Acquisitions
- Atlanta City Limits
- Metro Cities

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

For Legislative Counsel Use Only	
_____ Date Received	_____ Complete _____ Incomplete (Date returned: _____)
_____ Date of Department Consultation	_____ Date of Finance Department Consultation
Commissioner Notified: ___ Yes ___ No If No, Why? _____	
Legislation Required ___ Yes ___ No	Legislation Type ___ Resolution _____ Ordinance
Amends the Code ___ Yes ___ No	Blueback Prepared ___ Yes ___ No
Commissioner Signature _____	
Council Members Only: Authority to speak to Subject Matter Attorney ___ Yes ___ No Authority to speak to Department ___ Yes ___ No	

Date Submitted: 05/30/08

Department Submitting Request: DPCD

Person Submitting Request: garnett brown Extension: 6724

Bureau/Division Manager: alice wakefield Extension: 6145

Requesting preliminary meeting with Legislative Counsel attorney? Yes No

Subject Matter of the Meeting NA

Cycle Number/Requested Full Council Date (not earlier than 4 weeks from date of submission): 12

If this must be submitted to Council in fewer than 4 weeks explain why. Please identify consequences if legislation is not submitted for requested cycle. Also, if applicable, please state why the Legislative Request Form was submitted after the Cycle deadline. All non-conforming requests must have Commissioner approval. NA

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Part I: Legislative Request Form:

Instructions: Please answer all questions fully before submitting. Attach additional pages if necessary. All requests for legislation must have approval of a manager prior to submission. All incomplete requests will be returned. Send request via electronic mail to Legislative Counsel. No hard copies will be accepted. Please refer to attached deadlines for the relevant Chief of Staff submission guidelines.

1. Legislation Name/Project Name: Northwest Village at Proctor Creek Senior Housing Enterprise Zone

2. What is the purpose of this legislation? (check one)

- Accept a grant or donation [If so, is a matching grant required?] Yes No
- Amend budget
- Amend Code of Ordinances
- Amend Contract
- Anticipate funds
- Appropriate funds
- Apply for a grant or donation
- Authorize/renew Contract
- Fines/penalties
- Human Resources related
- Make a purchase
- New project
- Procuring goods
- Procuring services
- Other, please explain create a senior housing enterprise zone in council district 12.

- If this legislation is to award/amend/renew a contract, please provide the following:
Expiration date of contract: NA
Contract Term (months/yr):

3. Can the purpose of this legislative request be accomplished administratively?

- Yes x No I Don't Know

4. Please explain and estimate any financial impact on the City or your Department.

- Will there be a fee or charge assessed by the City?
- If so, how much? NA
 - How was the fee or charge determined?
 - Will revenue be generated for the City?

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Please remember to contact Human Resources if this request involves personnel changes (ex. Reclassification, New Hires, Termination, etc.

5. If there has been previous or similar legislation, please describe and cite the relevant legislation (e.g., 04-R-0001). Yes---02-O-0864
6. Is this a computer/technology purchase? Yes No
If so, please forward ISR (Information System Hardware/Software Request) along with a copy of this Legislative Request Form via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Please forward any additional pertinent or supporting documents (e.g. contracts, exhibits, requisitions, copies of any old ordinances/resolutions pertaining to this issue, etc.) along with a copy of this Legislative Request Form and legislative white paper via e-mail to the designated Legislative Counsel attorney for your department.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption: AN ORDINANCE TO CREATE THE "NORTHWEST SENIORS/VILLAGE AT PROCTOR CREEK HOUSING URBAN ENTERPRIZE ZONE", LOCATED AT 1315 NORTHWEST DRIVE, DISTRICT 17, CITY OF ATLANTA, LAND LOT 258, PARCELS 17 02580002026, 17 02580002027, 17 0258 LL112, 17 02580002036, 17 0258 LL111, 17 0258 LL110, AND 17 02580003015; TO PROVIDE NOTIFICATION TO AFFECTED GOVERNMENTAL ENTITIES; AND FOR OTHER PURPOSES

Council Meeting Date: July 7, 2008

Requesting Dept.: Department of Planning and Community Development

FAC Confirmed by: N/A

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation to create a senior housing enterprise zone NPU G, District 9. 220 units to be constructed for persons 55-plus age. This UEZ to be effective for the period 1/1/09-12/31/19.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The HEZ is consistent with the city's goal of providing affordable housing.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): NA

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. **Fiscal Impact:** The HEZ is an abatement program, therefore city property taxes for the units built as a result of this project would be abated for the time period specified by the HEZ policy and the city would begin to receive taxes on a prorated share in the 6th year of project..

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. **Method of Cost Recovery:** City property taxes will be generated after the abatement period.

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: garnett brown



CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

SHIRLEY FRANKLIN
MAYOR

STEVEN R. COVER
Commissioner

CHARLETTA WILSON JACKS
Acting Director
Bureau of Planning

June 18, 2008

Billy Hughes
President
Hughes Bi-Coastal, LLC
350 Winn Park Court
Roswell, GA 30075

Dear Mr. Hughes,

Presented below is the Urban Enterprise Zone (UEZ) Eligibility Analysis for your property. This analysis is based on demographic data from the 2000 Census and 2007 City of Atlanta building permits.

Property Identification Data

Address & Parcel ID &	1315 Northwest Drive, Atlanta, GA 30318	17 02580002026, 17 02580002027, 17 0258LL112, 17 02580002036, 17 0258LL111, 17 0258 LL110 & 17 02580003015
Census Tract/Block	86.02 & 87.02	1001 & 1000
Property Name/Type of UEZ	Northwest Seniors/Village @ Procter Creek	Housing Enterprise Zone
Council District/NPU	9	G
District & Land Lot	17	258

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: x6724

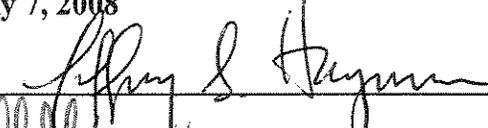
Originating Department: Planning and Community Development

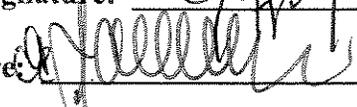
Committee(s) of Purview: CD/HR

Chief of Staff Deadline: June 18, 2008

Anticipated Committee Meeting Date(s): July 1, 2008

Anticipated Full Council Date: July 7, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: _____

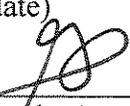
CAPTION

AN ORDINANCE TO CREATE THE "NORTHWEST SENIORS/VILLAGE AT PROCTOR CREEK HOUSING URBAN ENTERPRIZE ZONE", LOCATED AT 1315 NORTHWEST DRIVE, DISTRICT 17, CITY OF ATLANTA, LAND LOT 258, PARCELS 17 02580002026, 17 02580002027, 17 0258 LL112, 17 02580002036, 17 0258 LL111, 17 0258 LL110, AND 17 02580003015; TO PROVIDE NOTIFICATION TO AFFECTED GOVERNMENTAL ENTITIES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

exempts the real property from ad valorem taxes for one-hundred percent (100 %) of its taxable value for the first five years after creation; eighty percent (80%) for the next two years; sixty percent (60 %) for the next year; forty percent (40 %) for the next year; and twenty percent (20%) for the last year
Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 6.18.08  Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)